

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**PRISON LEGAL NEWS,  
Plaintiff,**

**VS.**

**GARY LINDSEY, et al.  
Defendants.**

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**CIVIL ACTION NO.  
3:07-CV-0367-P**

**DEFENDANTS' ORIGINAL ANSWER  
TO PLAINTIFF'S AMENDED COMPLAINT FILED AUGUST 24, 2007**

TO THE HONORABLE JUDGE OF THE COURT:

COME NOW Defendants Dallas County ("the County"), Sheriff Lupe Valdez ("the Sheriff"), Chief Deputy Edgar McMillan ("Chief Deputy McMillan") and Chief Deputy Gary Lindsey ("Chief Deputy Lindsay"), collectively "the Defendants," and for their Original Answer to Plaintiff's Amended Complaint filed August 24, 2007 admit, deny and allege as follows:

**I. General Denial**

Except as herein provided and except for those allegations which may constitute admissions against the interest of the Plaintiff, the Defendants deny each and every allegation of the Plaintiff's Amended Complaint and demand strict proof thereof.

**II. Responsive Pleadings**

**A. Parties**

The claims against the Sheriff and the Chief Deputies in an official capacity are the same as the claims asserted against Dallas County. The claims asserted against them in an official

capacity are answered as "the County."

**B. Jurisdiction**

No contest.

**C. Venue**

No contest.

**D. Specific Denials**

1. The Defendants specifically deny that any individuals for whose conduct they are responsible violated any of the Plaintiff's federal constitutional or statutory rights or any rights secured under state law.

2. The Defendants specifically deny that they adopted or maintained any custom, policy, practice or procedure that was the moving force behind any violation of the Plaintiff's federal constitutional or statutory rights of or any rights secured under state law.

3. The Defendants specifically deny that they adopted or maintained any such custom, policy, practice or procedure with deliberate indifference to the rights of the County's citizens.

4. The Sheriff and the Chief Deputies specifically deny that they personally participated in any violation of the Plaintiff's federal constitutional or statutory rights or any rights secured under state law.

5. The Defendants specifically deny that the Plaintiff is entitled to any injunctive relief against them.

6. The Defendants specifically deny that the Plaintiff has standing to assert a claim for relief against them.

**E. Affirmative Defenses**

1. The Defendants specifically deny that the Plaintiff has stated a claim for damages against them upon which this Court may grant relief.

2. The Sheriff and the Chief Deputies assert that any federal claim against them in an individual capacity is barred by the doctrine of qualified immunity.

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, the Defendants pray that the Court will dismiss this suit, that the Plaintiff take nothing by this action, that they recover their costs, including a reasonable attorney's fee expended herein and any further relief to which they may be justly entitled under the law.

Respectfully submitted,

CRAIG WATKINS  
DISTRICT ATTORNEY

/s/ Dolena T. Westergard  
DOLENA T. WESTERGARD  
ASSISTANT DISTRICT ATTORNEY  
TEXAS BAR NO. 21219800  
FEDERAL SECTION  
FRANK CROWLEY COURTS BUILDING  
133 N. INDUSTRIAL BLVD., LB 19  
DALLAS, TEXAS 75207-4399  
(214) 653-3692  
(214) 653-2899 (FAX)

ATTORNEYS FOR DEFENDANTS

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of this Original Answer was served on counsel for the Plaintiff by the electronic filing of this document.

/s/ Dolena T. Westergard  
DOLENA T. WESTERGARD